

103D CONGRESS
1ST SESSION

H. R. 3300

To amend the Act popularly known as the “Sikes Act” to enhance fish and wildlife conservation and natural resources management programs on military installations.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 19, 1993

Mr. STUDDS (for himself and Mr. YOUNG of Alaska) introduced the following bill; which was referred to the Committee on Merchant Marine and Fisheries

A BILL

To amend the Act popularly known as the “Sikes Act” to enhance fish and wildlife conservation and natural resources management programs on military installations.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Natural Resource
5 Management on Military Lands Act of 1993”.

6 **SEC. 2. AMENDMENT OF SIKES ACT.**

7 Except as otherwise expressly provided, whenever in
8 this Act an amendment or repeal is expressed in terms

1 of an amendment to, or repeal of, a section or other provi-
2 sion, the reference shall be considered to be made to a
3 section or other provision of title I of the Act of September
4 15, 1960 (16 U.S.C. 670a et seq.), commonly referred to,
5 and hereinafter in this Act referred to, as the “Sikes Act”.

6 **SEC. 3. INTEGRATED NATURAL RESOURCE MANAGEMENT**
7 **PLANS FOR MILITARY INSTALLATIONS, GEN-**
8 **ERALLY.**

9 (a) IN GENERAL.—Section 101(a) (16 U.S.C.
10 670a(a)) is amended—

11 (1) by striking “is authorized to” and inserting
12 “shall”;

13 (2) by striking “in each military reservation in
14 accordance with a cooperative plan” and inserting
15 the following: “on military installations. Under the
16 program, the Secretary shall prepare and implement
17 for each military installation in the United States an
18 integrated natural resources management plan”; and

19 (3) by inserting after “reservation is located”
20 the following: “, except that the Secretary is not re-
21 quired to prepare such a plan for a military installa-
22 tion if the Secretary determines that preparation of
23 such a plan for the installation is not appropriate”.

24 (b) CONFORMING AMENDMENTS.—Title I (16 U.S.C.
25 670a et seq.) is amended—

1 (1) by striking “cooperative plan” each place it
2 appears and inserting “integrated natural resource
3 management plan”;

4 (2) by striking “cooperative plans” each place it
5 appears and inserting “integrated natural resource
6 management plans”; and

7 (3) by striking “Cooperative plans” each place
8 it appears and inserting “Integrated natural re-
9 source management plans”.

10 (c) CONTENTS OF PLANS.—Section 101(b) (16
11 U.S.C. 670a(b)) is amended—

12 (1) in paragraph (1)—

13 (A) in subparagraph (C) by striking “and”
14 after the semicolon;

15 (B) in subparagraph (D) by striking the
16 semicolon at the end and inserting a comma;
17 and

18 (C) by adding at the end the following:

19 “(E) wetland protection and restoration,
20 and wetland creation where necessary, for sup-
21 port of fish or wildlife,

22 “(F) consideration of conservation needs
23 for all biological communities, and

1 “(G) the establishment of specific natural
2 resource management goals, objectives, and
3 time-frames for proposed actions;”;

4 (2) by striking paragraph (3);

5 (3) by redesignating paragraph (2) as para-
6 graph (3);

7 (4) by inserting after paragraph (1) the follow-
8 ing:

9 “(2) shall for the military installation for which
10 it is prepared—

11 “(A) address the needs for fish and wildlife
12 management, land management, forest manage-
13 ment, and wildlife-oriented recreation;

14 “(B) ensure the integration of, and con-
15 sistency among, the various activities conducted
16 under the plan;

17 “(C) ensure that there is no net loss in the
18 capability of installation lands to support the
19 military mission of the installation, unless such
20 loss is required to comply with environmental
21 laws or to improve the management of natural
22 and cultural resources;

23 “(D) provide for sustained use by the pub-
24 lic of natural resources, to the extent that such
25 use is not inconsistent with the military mission

1 of the installation or the needs of fish and wild-
2 life management;

3 “(E) provide the public access to the in-
4 stallation that is necessary or appropriate for
5 that use, to the extent that access is not incon-
6 sistent with the military mission of the installa-
7 tion; and

8 “(F) provide for professional enforcement
9 of natural resource laws and regulations;” and

10 (5) in paragraph (4)(A) by striking “collect the
11 fees therfor,” and inserting “collect, spend, admin-
12 ister, and account for fees therfor.”.

13 (d) PUBLIC COMMENT.—Section 101 (16 U.S.C.
14 670a) is amended by adding at the end the following:

15 “(f) PUBLIC COMMENT.—The Secretary of Defense
16 shall provide an opportunity for public comment on each
17 integrated natural resource management plan prepared
18 under subsection (a).”.

19 (e) REVIEWS AND REPORTS.—Section 101 (16
20 U.S.C. 670a) is further amended by adding after sub-
21 section (f) (as added by subsection (d) of this section) the
22 following:

23 “(g) REVIEWS AND REPORTS.—The Secretary of De-
24 fense shall annually—

1 “(1) review the implementation status of each
2 integrated natural resource management plan in ef-
3 fect under this section; and

4 “(2) submit a report to the Congress on—

5 “(A) whether integrated natural resource
6 management plans are being prepared in ac-
7 cordance with this Act;

8 “(B) the degree to which integrated natu-
9 ral resource management plans are being imple-
10 mented in accordance with this Act; and

11 “(C) the status of integrated natural re-
12 source management plans in meeting the goals
13 and objectives the plans provide for under sub-
14 section (b)(1)(G).”.

15 **SEC. 4. REVIEW OF MILITARY INSTALLATIONS FOR PREPA-**
16 **RATION OF INTEGRATED NATURAL RE-**
17 **SOURCE MANAGEMENT PLANS.**

18 (a) REVIEW OF MILITARY INSTALLATIONS.—

19 (1) REVIEW.—The Secretary of each military
20 department shall, by not later than 9 months after
21 the date of the enactment of this Act—

22 (A) review each military installation in the
23 United States that is under the jurisdiction of
24 that Secretary to determine the military instal-
25 lations for which the preparation of an inte-

1 grated natural resource management plan
2 under section 101 of the Sikes Act, as amended
3 by this Act, is appropriate; and

4 (B) submit to the Secretary of Defense a
5 report on those determinations.

6 (2) REPORT TO CONGRESS.—The Secretary of
7 Defense shall, by not later than 12 months after the
8 date of the enactment of this Act, submit to the
9 Congress a report on the reviews conducted under
10 paragraph (1). The report shall include—

11 (A) a list of those military installations re-
12 viewed under paragraph (1) for which the Sec-
13 retary of Defense determines the preparation of
14 an integrated natural resources management
15 plan is not appropriate; and

16 (B) for each of the military installations
17 listed under subparagraph (A), an explanation
18 of the reasons such a plan is not appropriate.

19 (b) DEADLINE FOR INTEGRATED NATURAL RE-
20 SOURCE MANAGEMENT PLANS.—Not later than 2 years
21 after the date of the submission of the report required
22 under subsection (a)(2), the Secretary of Defense shall,
23 for each military installation for which the Secretary has
24 not determined under subsection (a)(2)(A) that prepara-

1 tion of an integrated natural resource management plan
2 is not appropriate—

3 (1) prepare and begin implementing such a plan
4 mutually agreed to by the Secretary of the Interior
5 and the head of the appropriate State agencies
6 under section 101(a) of the Sikes Act, as amended
7 by this Act; or

8 (2) in the case of a military installation for
9 which there is in effect a cooperative plan under sec-
10 tion 101(a) of the Sikes Act on the day before the
11 date of the enactment of this Act, complete negotia-
12 tions with the Secretary of the Interior and the
13 heads of the appropriate State agencies regarding
14 changes to that plan that are necessary for the plan
15 to constitute an integrated natural resource plan
16 that complies with that section, as amended by this
17 Act.

18 (c) PUBLIC COMMENT.—The Secretary of Defense
19 shall provide an opportunity for the submission of public
20 comments on—

21 (1) integrated natural resources plans proposed
22 pursuant to subsection (b)(1); and

23 (2) changes to cooperative plans proposed pur-
24 suant to subsection (b)(2).

1 **SEC. 5. FEDERAL ENFORCEMENT OF INTEGRATED NATU-**
2 **RAL RESOURCE MANAGEMENT PLANS; EN-**
3 **FORCEMENT OF OTHER LAWS.**

4 Title I (16 U.S.C. 670a et seq.) is amended—

5 (1) by redesignating section 106 as section 110;

6 and

7 (2) by inserting after section 105 the following:

8 **“SEC. 106. FEDERAL ENFORCEMENT OF INTEGRATED NAT-**
9 **URAL RESOURCE MANAGEMENT PLANS; EN-**
10 **FORCEMENT OF OTHER LAWS.**

11 “(a) NOTICE OF VIOLATION SYSTEM.—

12 “(1) IN GENERAL.—The Secretary of the Inte-
13 rior, in cooperation with relevant State fish and
14 wildlife agencies if appropriate, shall monitor the im-
15 plementation of integrated natural resource manage-
16 ment plans by the Department of Defense under this
17 Act.

18 “(2) INVESTIGATION OF ALLEGED VIOLA-
19 TIONS.—

20 “(A) IN GENERAL.—Upon receipt of infor-
21 mation from any person alleging a violation of
22 this Act, the Secretary of the Interior shall con-
23 duct an investigation and make a finding re-
24 garding the accuracy of the allegation if the
25 Secretary of the Interior has reason to believe
26 that—

1 “(i) a military installation is in viola-
2 tion of any requirement under this Act; or

3 “(ii) any officer or employee of the
4 United States (including any commanding
5 officer of a military installation) who is
6 charged with the responsibility for prepar-
7 ing or implementing an integrated natural
8 resource management plan has failed to
9 carry out that responsibility.

10 “(B) ON-SITE INVESTIGATION.—The inves-
11 tigation may include an on-site inspection of the
12 military installation that is the subject of the
13 investigation.

14 “(C) COOPERATION WITH STATE AUTHORI-
15 TIES.—The Secretary of the Interior shall con-
16 duct the investigation in cooperation with the
17 relevant State fish and wildlife agencies, if ap-
18 propriate.

19 “(D) COMPLETION.—The Secretary of the
20 Interior shall complete the investigation within
21 30 days after receiving information that is the
22 basis for conducting the investigation.

23 “(3) REPORT AND NOTICE OF VIOLATION.—

24 “(A) REPORT.—Within 45 days after com-
25 pleting an investigation under paragraph (2),

1 the Secretary of the Interior shall transmit a
2 report on the findings of the investigation to
3 the Secretary of Defense and to relevant State
4 fish and wildlife agencies. The report shall de-
5 scribe—

6 “(i) the nature of any violation by a
7 military installation that the Secretary of
8 the Interior finds has occurred, specifying
9 the particular actions in violation; and

10 “(ii) the nature of any failure by an
11 officer or employee of the United States to
12 carry out a responsibility that the Sec-
13 retary of the Interior finds has occurred,
14 specifying the particular actions taken or
15 failed to be taken that constitute the fail-
16 ure.

17 “(B) NOTICE OF VIOLATION.—The Sec-
18 retary of the Interior shall on the date of trans-
19 mittal of the report issue a Notice of Violation
20 to the Secretary of the military department
21 having jurisdiction over the military installation
22 that is the subject of the investigation to which
23 the report relates, if the Secretary of the Inte-
24 rior determines that—

1 “(i) the military installation is in vio-
2 lation of a requirement under this Act; or

3 “(ii) an officer or employee of the
4 United States has failed to carry out a re-
5 sponsibility for preparing, implementing, or
6 providing financial or personnel resources
7 for an integrated natural resource manage-
8 ment plan under section 101 for the mili-
9 tary installation.

10 “(4) AGREEMENT.—Within 30 days after the
11 issuance of a Notice of Violation under paragraph
12 (3) regarding any violation or failure to carry out a
13 responsibility, the Secretary of Defense, the Sec-
14 retary of the Interior, and a representative of each
15 relevant State fish and wildlife agency shall enter
16 into an agreement specifying appropriate measures
17 to remedy the violation or failure. The agreement
18 shall include—

19 “(A) a detailed description of all violations
20 and failures found by the Secretary of the Inte-
21 rior, including citation of the specific provisions
22 of statute or regulations violated or which es-
23 tablish the responsibilities, respectively;

24 “(B) a detailed schedule for correcting the
25 violations or failures, including actions to be

1 undertaken and deadlines for those actions,
2 which ensures that remedial action shall com-
3 mence within 30 days after the agreement is
4 entered into; and

5 “(C) specification of a date by which, or a
6 schedule within which, the Secretary of the ap-
7 propriate military department shall provide a
8 written response to the Secretary of the Interior
9 regarding plans of the military department for
10 addressing the violations or failures.

11 “(5) ANNUAL REPORTS.—The Secretary of De-
12 fense shall include with each annual report submit-
13 ted under section 101(g)(2)—

14 “(A) a summary of each Notice of Viola-
15 tion received by a Secretary of a military de-
16 partment in the year covered by the report; and

17 “(B) a description of the extent of compli-
18 ance of remedial actions taken under agree-
19 ments under paragraph (4) with the schedules
20 under those agreements for those actions.

21 “(6) FUNDING OF REMEDIAL ACTIONS.—The
22 Secretary of Defense shall consider all remedial ac-
23 tions specified in agreements under paragraph (4) to
24 be Class I projects under Office of Management and
25 Budget Circular A-106.

1 “(b) ENFORCEMENT OF OTHER LAWS.—All Federal
2 laws relating to the conservation of fish and wildlife on
3 Federal lands may be enforced by the Secretary of De-
4 fense with respect to violations of those laws which occur
5 on military installations within the United States.”.

6 **SEC. 6. NATURAL RESOURCE MANAGEMENT SERVICES.**

7 Title I (16 U.S.C. 670a et seq.) is amended by insert-
8 ing after section 106 (as added by section 5 of this Act)
9 the following:

10 **“SEC. 107. NATURAL RESOURCE MANAGEMENT SERVICES.**

11 “The Secretary of each military department shall en-
12 sure that sufficient numbers of professionally trained nat-
13 ural resource management personnel and natural resource
14 law enforcement personnel are available and assigned re-
15 sponsibility to perform tasks necessary to comply with this
16 Act, including the preparation and implementation of inte-
17 grated natural resource management plans.”.

18 **SEC. 7. DEFINITIONS.**

19 Title I (16 U.S.C. 670a et seq.) is further amended
20 by inserting after section 107 (as added by section 7 of
21 this Act) the following:

22 **“SEC. 108. DEFINITIONS.**

23 “In this title:

24 “(1) MILITARY DEPARTMENT.—The term ‘mili-
25 tary department’ means the Department of the

1 Army, the Department of the Navy, and the Depart-
2 ment of the Air Force.

3 “(2) MILITARY INSTALLATION.—The term
4 ‘military installation’ includes—

5 “(A) lands used for military purposes by
6 any military department;

7 “(B) lands used for military purposes by
8 any National Guard or Reserve component of
9 the Department of Defense; and

10 “(C) all public lands withdrawn from all
11 forms of appropriation under the public land
12 laws and reserved for use by the Secretary of
13 Defense or the head of a military department,
14 including lands withdrawn and reserved under
15 the Military Lands Withdrawal Act of 1986.

16 “(3) STATE FISH AND WILDLIFE AGENCY.—The
17 term ‘State fish and wildlife agency’ means an agen-
18 cy of State government that is responsible under
19 State law for managing fish or wildlife resources.

20 “(4) UNITED STATES.—The term ‘United
21 States’ means the States, the District of Columbia,
22 the Commonwealth of Puerto Rico, and the terri-
23 tories and possessions of the United States.”.

1 **SEC. 8. SHORT TITLE.**

2 Title I (16 U.S.C. 670a et seq.) is further amended
3 by inserting after section 108 (as added by section 7 of
4 this Act) the following:

5 **“SEC. 109. SHORT TITLE.**

6 “This title may be cited as the ‘Sikes Act’.”.

7 **SEC. 9. COOPERATIVE AGREEMENTS.**

8 (a) COST SHARING.—Section 103a(b) (16 U.S.C.
9 670c–1(b)) is amended by striking “matching basis” each
10 place it appears and inserting “cost-sharing basis”.–

11 (b) ACCOUNTING.—Section 103a(c) (16 U.S.C.
12 670c–1(c)) is amended by inserting before the period at
13 the end the following: “, and shall not be subject to section
14 1535 of that title”.

15 **SEC. 10. REPEAL.**

16 Section 2 of the Act of October 27, 1986 (Public Law
17 99–651; 16 U.S.C. 670a–1) is repealed.

18 **SEC. 11. CLERICAL AMENDMENTS.**

19 Title I (16 U.S.C. 670a et seq.), as amended by this
20 Act, is further amended—

21 (1) by striking “military reservation” each
22 place it appears and inserting “military installa-
23 tion”;

24 (2) by striking “military reservations” each
25 place it appears and inserting “military installa-
26 tions”;

1 (3) by striking “MILITARY RESERVATION” each
2 place it appears and inserting “MILITARY INSTALLA-
3 TION”;

4 (4) by striking “reservation” each place it ap-
5 pears in reference to a military reservation (other
6 than in the term “military reservation”) and insert-
7 ing “installation”; and

8 (5) by striking “reservations” each place it ap-
9 pears in reference to military reservations (other
10 than in the term “military reservations”) and insert-
11 ing “installations”.

12 **SEC. 12. AUTHORIZATIONS OF APPROPRIATIONS.**

13 (a) PROGRAMS ON MILITARY INSTALLATIONS.—Sub-
14 sections (b) and (c) of section 110 (as redesignated by
15 section 5 of this Act) are each amended by striking
16 “1983” and all that follows through “1993,” and inserting
17 “1994, 1995, 1996, 1997, and 1998,”.

18 (b) PROGRAMS ON PUBLIC LANDS.—Subsections (a)
19 and (b) of that section are each amended by striking
20 “1983” and all that follows through “1993,” and inserting
21 “1994, 1995, 1996, 1997, and 1998,”.

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